

**STAFF REPORT**  
**CITY COUNCIL**

**FILE NO.:** C13-042**Submitted:** October 9, 2013**PROJECT DESCRIPTION:**

Conforming Rezoning from the LI - Light Industrial District to DC - Downtown Primary Commercial Zoning District on a 0.10 gross acre site.

**LOCATION:**

Northeast corner of Lorraine Avenue and S. Montgomery Street (565 Lorraine Avenue)

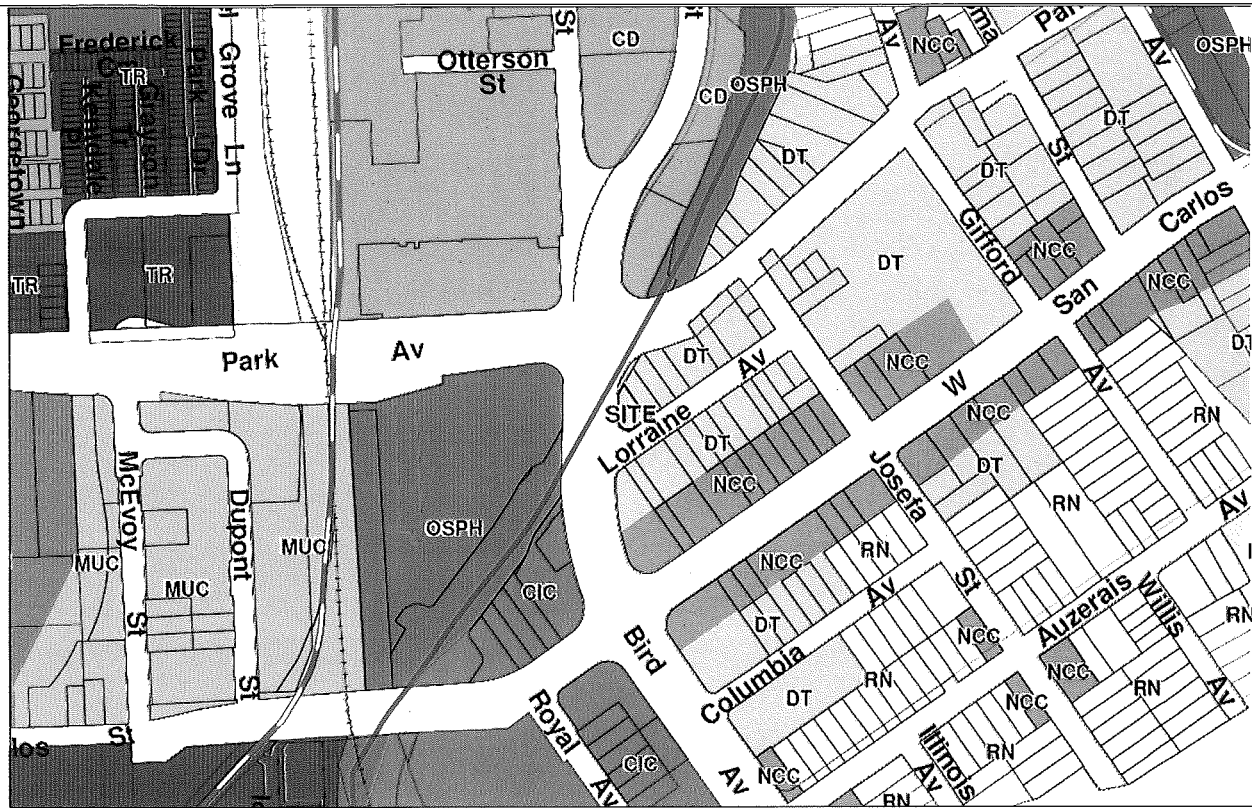
Zoning	LI - Light Industrial
Proposed Zoning	DC - Downtown Primary Commercial
Envision 2040 General Plan	Downtown
Council District	3
Annexation Date	3/16/1911
SNI	Delmas Park
Historic Resource	N/A
Specific Plan	N/A

**Aerial Map**

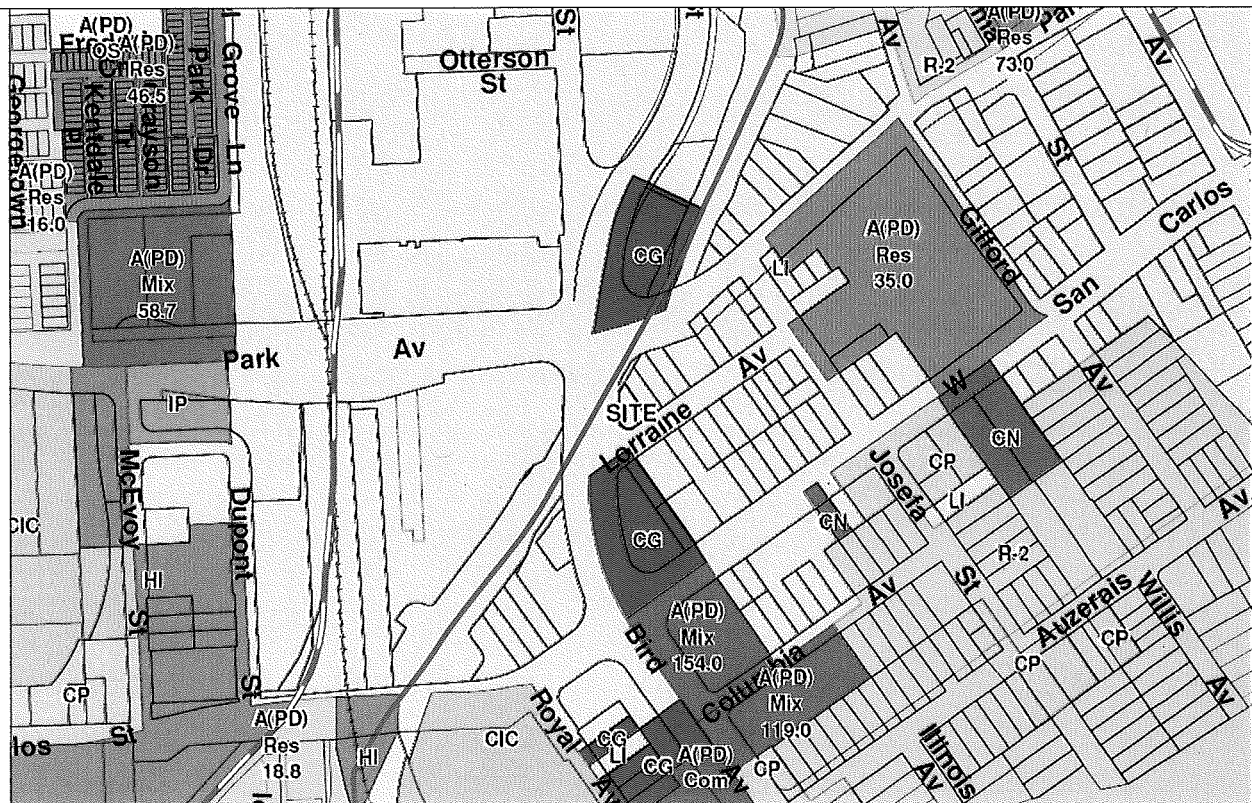
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# ENVISION 2040 GENERAL PLAN



## ZONING



## **RECOMMENDATION**

Planning staff recommends that the City Council finds that the project is in conformance with the California Environmental Quality Act (CEQA) and approve the proposed Conforming Conventional Rezoning on the subject site for the following reasons:

1. There is no substantial evidence that the project will have a significant effect on the environment. Pursuant to Section 15168 of the CEQA Guidelines, the proposed project is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the Envision San Jose 2040 General Plan and does not involve new significant effects beyond those analyzed in this Final EIR.
2. The proposed Conforming Conventional Rezoning is consistent with the goals and policies of the Envision San Jose 2040 General Plan, specifically:
  - a. The zoning will comply with the site's General Plan Land Use/Transportation Diagram designation of Downtown.
  - b. The proposed rezoning would allow uses on the subject site that are compatible with the surrounding uses.

## **BACKGROUND & DESCRIPTION**

On October 9, 2013, the applicant, Dean Hanson, requested a conforming rezoning of the subject property from the LI - Light Industrial Zoning District to the DC - Downtown Primary Commercial Zoning District to facilitate the future development of the site with a mixed-used commercial and residential development.

The property was developed in 1918 with a one-story single family home. Mixed-use commercial and residential developments are not permitted in the LI - Light Industrial Zoning District. The rezoning to Downtown Primary Commercial allows mixed-use development with ground floor commercial and residential above with the issuance of a Site Development Permit.

### **Site and Surrounding Uses**

The 0.10 gross acre corner lot is developed with a one-story single family home, adjacent to a vacant lot. The site is bounded by industrial uses to the west, south of Lorraine Avenue, and north of Park Avenue. Access to the site is provided from by Lorraine Avenue and Montgomery Street.

## **ANALYSIS**

The proposed conforming rezoning was analyzed with respect to the following: 1) conformance with the Envision San José 2040 General Plan, and 2) California Environmental Quality Act.

### **Conformance to the General Plan**

The proposed rezoning of the subject site to the DC - Downtown Primary Commercial Zoning District conforms to the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation of Downtown.

The Downtown land use designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and residential uses. In terms of use, the General Plan defers to the Zoning Ordinance for more specific guidance on allowed uses. As described above, mixed-use development is a permitted use in the Downtown Primary Commercial Zoning District, with the issuances of a Site Development Permit.

### **California Environmental Quality Act (CEQA)**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, which findings were adopted by City Council Resolution No. 76041 on November 1, 2011. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040, and does not involve new significant effects beyond those analyzed in this Final EIR.

### **PUBLIC OUTREACH/INTEREST**

Early in the application process, signage was posted at the site to inform the public about the proposed change. Property owners and occupants within a 500-foot radius were sent public hearing notices for the City Council hearing. This staff report has been posted on the City's web site. Staff has been available to discuss the proposal with interested members of the public.

**Project Manager:** Tong (John) Tu **Approved by:** /s/Salifu Yakubu **Date:** 11/25/13

<b>Owner/Applicant:</b>	<b>Attachments:</b>
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